

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

PLAINFIELD TRUST STATE NATIONAL BANK
AND FRANK H. BLATZ, TRUSTEES UNDER
THE WILL OF CLARENCE A. DAWLEY, DECEASED

Claim No. CU-5039

Decision No. CU - 4013

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimants:

Blatz and Feiring
By Frank H. Blatz, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by Helen R. Dawley and Frank H. Blatz, Executors of the Estate of Clarence A. Dawley, Deceased, based upon the loss of interests in bonds issued by the Cuba Northern Railways Company. Evidence of record disclosing that a Final Accounting had been rendered by the Executors and that Helen R. Dawley had been discharged as a Trustee, the PLAINFIELD TRUST STATE NATIONAL BANK AND FRANK H. BLATZ, TRUSTEES UNDER THE WILL OF CLARENCE A. DAWLEY, DECEASED, are substituted as claimants herein. Decedent, Clarence A. Dawley, had been a national of the United States until his death on April 26, 1960.

In our decision entitled the Claim of Kentucky Home Mutual Life Insurance Company (Claim No. CU-1339 which we incorporate herein by reference), we held that the properties of the Railway were nationalized or otherwise taken by the Government of Cuba on October 13, 1960, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per \$1000 bond of \$682.56 including interest to October 13, 1960.

On the basis of evidence in the record in the instant case, the Commission finds that the beneficial owners of this claim come within the terms of the Kentucky decision; that they were American nationals at the requisite times; that they have been the beneficial owners of three bonds issued by Cuban Northern Railways Company since prior to October 13, 1960; and that they suffered a loss in the amount of \$2,047.68 within the meaning of Title V of the Act. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from October 13, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Kentucky, supra.)

It will be noted that the total amount of loss found herein is in excess of the amount asserted by claimants. However, in determining the amount of loss sustained, the Commission is not bound by any lesser or greater amounts which may be asserted by claimants as the extent thereof.

CERTIFICATION OF LOSS

The Commission certifies that PLAINFIELD TRUST STATE NATIONAL BANK AND FRANK H. BLATZ, TRUSTEES UNDER THE WILL OF CLARENCE A. DAWLEY, DECEASED, succeeded to and suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Two Thousand Forty-Seven Dollars and Sixty-Eight Cents (\$2,047.68) with interest thereon at 6% per annum from October 13, 1960 to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

OCT 8 1969

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities for the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)